

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231



Docket No.: 200.93185C2C  
Date: January 14, 2002

In re application of: Sackler, et al.  
Serial No.: 09/624,530  
Filed: July 24, 2000  
For: METHOD OF TREATING HUMANS WITH OPIOID FORMULATIONS HAVING EXTENDED CONTROLLED RELEASE

RECEIVED  
JAN 31 2002  
TECH CENTER 1600/2900

Sir:

Transmitted herewith is a **Response** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

	(Col. 1)	(Col. 2)		SMALL ENTITY		LARGE ENTITY
FOR:	REMAINING	HIGHEST		RATE	FEE	OR RATE FEE
	AFTER	PREVIOUSLY	PRESENT			
	AMENDMENT	PAID FOR	EXTRA			
TOTAL CLAIMS	* Minus**	=	x0\$ 9			x \$ 18
INDEP. CLAIMS	* Minus***	=	x0\$ 40			x \$ 80
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS						+ \$270

TOTAL: \$ OR TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)  
☐ Other:  
☐ Check(s) in the amount of \$.00 is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☐ Other:  
☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.  
☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on January 14, 2002.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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Examiner: L. Wells                      Art Unit: 1619  
Re: Application of:                      Sackler, et al.  
Serial No.:                                  09/624,530  
Filed:    July 24, 2000  
For:    **METHOD OF TREATING HUMANS WITH  
OPIOID FORMULATIONS HAVING  
EXTENDED CONTROLLED RELEASE**

**RESPONSE**

Box: No Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

January 14, 2002

Sir:

In response to the Office Action mailed October 12, 2001, Applicants respond as follows:

**REMARKS**

Reconsideration of this application in view of the following remarks is respectfully requested. Claims 6-23 are currently pending.

**I. Non-Statutory Double Patenting Rejections**

Claims 6-23 were rejected under the judicially created doctrine of obviousness-type double patenting on the grounds of being unpatentable over claims 1-10 of U.S. Patent No. 5,478,577; claims 1-14 of U.S. Patent No. 5,672,360; and claims 1-13 of U.S. Patent No. 6,143,322.